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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/784,454	02/23/2004		Dennis Conklin	4281-A1I	8216	
29370	7590	12/17/2004		EXAMINER		
ROBERT A		NS	HESS, DOUGLAS A			
SUITE 260	. 2. 1			ART UNIT	PAPER NUMBER	
PHOENIX,	AZ 85004		3651	3651		

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3					V I
-		Applicati	on No.	Applicant(s)	
		10/784,4	54	CONKLIN ET AL.	
Off	fice Action Summary	Examine	r	Art Unit	
× .		Douglas /	A Hess	3651	
The N	MAILING DATE of this commun	nication appears on th	e cover sheet with the o	correspondence address	S
THE MAILIN - Extensions of t after SIX (6) M - If the period for - If NO period for - Failure to reply Any reply recei	NED STATUTORY PERIOD F G DATE OF THIS COMMUN ime may be available under the provision ONTHS from the mailing date of this com reply specified above is less than thirty (reply is specified above, the maximum s within the set or extended period for repl ved by the Office later than three months term adjustment. See 37 CFR 1.704(b).	IICATION. s of 37 CFR 1.136(a). In no exmunication. 30) days, a reply within the statatutory period will apply and wy will, by statute, cause the app	vent, however, may a reply be tir tutory minimum of thirty (30) day vill expire SIX (6) MONTHS from plication to become ABANDONE	nely filed rs will be considered timely. the mailing date of this commun (D) (35 U.S.C. § 133).	nication.
Status				-	
2a)☐ This ad 3)☐ Since	nsive to communication(s) fil ction is FINAL . this application is in condition in accordance with the pract	2b)⊠ This action is r for allowance excep	non-final. t for formal matters, pro		rits is
Disposition of (Claims				
4a) Of 5) ☐ Claim(6) ☑ Claim(7) ☑ Claim(8) ☐ Claim(s) <u>1-19</u> is/are pending in the the above claim(s) <u>1-6</u> is/are s) is/are allowed. s) <u>7,10-13,15,16 and 19</u> is/are s) <u>8,9,14,17 and 18</u> is/are obs) are subject to restri	withdrawn from cons re rejected. jected to.			
Application Par					
10)⊠ The dra Applica Replac	ecification is objected to by the awing(s) filed on 23 February and may not request that any objected the declaration is objected to be declarated to the declaration is objected to the d	2004 is/are: a)⊠ acection to the drawing(s) g the correction is requi	be held in abeyance. Se red if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.	
Priority under 3	5 U.S.C. § 119				
a)	vledgment is made of a claim b) Some * c) None of: Certified copies of the priority Certified copies of the priority Copies of the certified copies application from the Internation attached detailed Office action	or documents have been documents have been documents have been documents documental Bureau (PCT Ru	en received. en received in Applicat ents have been receive le 17.2(a)).	ion No ed in this National Stag	e
Attachment(s)					
1) Notice of Refe 2) Notice of Draf 3) Information Di	erences Cited (PTO-892) tsperson's Patent Drawing Review (isclosure Statement(s) (PTO-1449 o fail Date	•	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:		ı

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Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a subcombination display on a conveyor panel, classified in class 40, subclass 524.
- II. Claims 7-18, drawn to a subcombination baggage conveyor, classified in class198, subclass 502.1.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a panel on a conveyor belt not related to a baggage carousel, such as a supermarket checkout belt. See MPEP § 806.05(d).

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. During a telephone conversation with Robert Parsons on December 14, 2004, a provisional election was made without traverse to prosecute the invention of Group II, claims 7-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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DETAILED ACTION

Claim Objections

8. Claim 13 is objected to because of the following informalities:

On the next to last line of claim 13, it appears --the-- should be inserted after "of" and before "plurality".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 10. Claims 7, 11-13, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin, Jr. (US Pat. 6,186,314).

See the attached marked up drawing figure 2 of Conklin, Jr. depicting the claimed features.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

- 11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin, Jr. (as above) in view of Janssen et al. (US Pat 6,461,709).

Conklin, Jr. teaches the invention as claimed except for the plurality of removable cover sheets. Janssen et al. teach the use of a plurality of transparent cover sheets for exactly the same reason the applicant does as Janssen discloses in his abstract and cover page drawing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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Janssen suggest in his abstract that "a transparent stack of sheets that may be applied...to protect...signage or displays. A topmost sheet can be peeled away after it is damaged...." And that he utilizes his sheets in exactly the same manner as the claimed subject matter.

Allowable Subject Matter

13. Claims 8, 9, 14, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

- 14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A Hess whose telephone number is 703-308-3428. The examiner can normally be reached on M-Thurs 5:30 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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16. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas A Hess **Primary Examiner** Art Unit 3651

12-13-04

DAH December 13, 2004